

1 AN ACT relating to building industry licensure.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 198B.650 is amended to read as follows:

4 As used in KRS 198B.650 to 198B.689, unless the context requires otherwise:

- 5 (1) "Air conditioning or cooling system" means a system in which heat is removed from
6 air, surrounding surfaces, or both;
- 7 (2) "Apprentice heating, ventilation, and air conditioning mechanic" means an
8 individual in the process of learning the heating, ventilation, and air conditioning
9 trade who assists and is under the supervision of a master heating, ventilation, and
10 air conditioning contractor and a journeyman heating, ventilation, and air
11 conditioning mechanic;
- 12 (3) "Burner service" means the servicing of oil or gas burners used for heating air or
13 water for purposes other than the transmission of heat;
- 14 (4) "Certificate" means a document issued by the department to an apprentice heating,
15 ventilation, and air conditioning mechanic to assist a master heating, ventilation,
16 and air conditioning contractor or a journeyman heating, ventilation, or air
17 conditioning mechanic;
- 18 (5) "Commissioner" means the commissioner of the Department of Housing, Buildings
19 and Construction;
- 20 (6) "Department" means the Department of Housing, Buildings and Construction;
- 21 (7) "Heating system" means a system in which heat is transmitted by radiation,
22 conduction, convection, or a combination of any of these methods to air,
23 surrounding surfaces, or both. "Heating system" does not include fireplaces and
24 free-standing stoves not incorporated into a primary heating system, electric thermal
25 storage units, electric ceiling cable heating systems, or electric baseboard heating
26 units;
- 27 (8) "Hydronic system" means a heating and cooling system using liquids to transmit or

- 1 remove heat;
- 2 (9) "Initial heating, ventilation, or air conditioning system" means the first or original
3 heating, ventilation, or air conditioning system installed in a building;
- 4 (10) "Journeyman heating, ventilation, and air conditioning mechanic" means an
5 individual who is licensed by the department to perform heating, ventilation, and air
6 conditioning work under the supervision, direction, and responsibility of a master
7 heating, ventilation, and air conditioning contractor;
- 8 (11) "Maintenance person or maintenance engineer" means a person who is a regular and
9 bona fide~~[full-time]~~ employee~~[or agent]~~ of a property owner, property lessor,
10 property management company, or firm, not in the heating, ventilating, and air
11 conditioning business that has jurisdiction of property where the routine
12 maintenance of heating, ventilating, and air conditioning is being performed,
13 provided the maintenance shall not include major repairs~~[replacement of heating,~~
14 ~~ventilation, or air conditioning systems]~~;
- 15 (12) "Major repair" means the complete replacement of any of the following heating,
16 ventilation, or air conditioning equipment:
- 17 (a) Furnaces;
- 18 (b) Condensing units;
- 19 (c) Heat pumps;
- 20 (d) Fan coil units;
- 21 (e) Chiller systems; or
- 22 (f) Heating boiler systems not covered by KRS Chapter 236;
- 23 (13) "Master heating, ventilation, and air conditioning contractor" means a heating,
24 ventilation, and air conditioning contractor who is licensed by the department to
25 advertise and practice heating, ventilation, and air conditioning contracting in this
26 Commonwealth;
- 27 (14) "Permit" means a document issued by the department or its authorized agent

1 allowing the installation of an original heating, ventilation, or air conditioning
2 system;

3 (15) "Practice of heating, ventilation, and air conditioning contracting" means the
4 installation, maintenance, altering, remodeling, or repair of heating systems,
5 ventilation systems, hydronic systems, burner service, or cooling systems;

6 (16) "Routine maintenance of heating, ventilation, or air conditioning" means the routine
7 and periodic servicing of heating, ventilation, and air conditioning systems,
8 including cleaning, inspection, and adjustments to ensure the proper operation, and
9 the removal and replacement of component parts. "Routine maintenance of heating,
10 ventilation, or air conditioning" shall not include major repairs~~[the installation of~~
11 ~~complete new heating, ventilation, or air conditioning systems]~~; and

12 (17) "Ventilation system" means a natural or mechanical system of supplying air to or
13 removing air from any space.

14 ➔Section 2. KRS 198B.658 is amended to read as follows:

15 (1) An applicant for a master heating, ventilation, and air conditioning contractor's
16 license shall:

17 (a) Be at least eighteen (18) years of age;

18 (b) Be a citizen of the United States or be a resident alien who is authorized to do
19 work in the United States;

20 (c) 1. Have been regularly and principally employed or engaged in heating,
21 ventilation, and air conditioning trades as a journeyman heating,
22 ventilation, and air conditioning mechanic for not less than two (2) years
23 under the direction and supervision of a master heating, ventilation, and
24 air conditioning contractor; or

25 2. Have been regularly and principally employed or engaged in the practice
26 of heating, ventilation, and air conditioning contracting as a master
27 heating, ventilation, and air conditioning contractor, or equivalent

- 1 thereof, for not less than ~~two (2)~~~~five (5)~~ years in Kentucky or in a
2 jurisdiction other than Kentucky, as demonstrated by verifiable
3 documentation;
- 4 (d) Have passed an examination prescribed by the department to determine the
5 applicant's competency to practice heating, ventilation, and air conditioning
6 contracting; and
- 7 (e) Have paid a fee as established in administrative regulations promulgated by
8 the department.
- 9 (2) An applicant for a journeyman heating, ventilation, and air conditioning mechanic's
10 license shall:
- 11 (a) Be at least eighteen (18) years of age;
- 12 (b) Be a citizen of the United States or be a resident alien who is authorized to do
13 work in the United States;
- 14 (c) 1. Have been regularly and principally employed or engaged in heating,
15 ventilation, and air conditioning trades for not less than two (2) years
16 under the direction and supervision of a master heating, ventilation, and
17 air conditioning contractor; or
- 18 2. Have been regularly and principally employed or engaged in the
19 performance of heating, ventilation, and air conditioning work for not
20 less than ~~two (2)~~~~four (4)~~ years in Kentucky or in a jurisdiction other
21 than Kentucky, as demonstrated by verifiable documentation;
- 22 (d) Have passed an examination prescribed by the department to determine the
23 applicant's competency to install, maintain, and repair heating and cooling
24 systems, heating and cooling service, burner service, and hydronic systems;
25 and
- 26 (e) Have paid a fee as established in administrative regulations promulgated by
27 the department.

- 1 (3) If an applicant has obtained, while exempt from licensure under 198B.674(2), (7),
2 (8), (10), (13), or (14), work experience that the department determines to be
3 equivalent to the requirements of subsection (1)(c) or (2)(c) of this section, that
4 experience may be considered as equivalent to one (1) year of employment toward
5 the licensure requirements for a master heating, ventilation, and air conditioning
6 contractor or journeyman heating, ventilation, and air conditioning mechanic, as
7 applicable, not to exceed one (1) year.
- 8 (4) (a) The department shall issue an apprentice heating, ventilation, and air
9 conditioning mechanic's certificate to any person who registers as an
10 apprentice with the department.
- 11 (b) The department shall establish by administrative regulation the minimum
12 number of hours of experience required by apprentices and shall maintain an
13 apprentice register to credit an apprentice for hours worked under the
14 supervision of a master heating, ventilation, and air conditioning contractor
15 and journeyman heating, ventilation, and air conditioning mechanic.
16 Experience gained under the supervision of a Kentucky licensed master
17 heating, ventilation, and air conditioning contractor while registered as an
18 apprentice with the Kentucky Labor Cabinet, Department of Workplace
19 Standards, in cooperation with the United States Department of Labor, Bureau
20 of Apprenticeship and Training shall be accepted toward the two (2) year
21 experience requirement for a journeyman heating, ventilation, and air
22 conditioning mechanic license.
- 23 (c) The apprentice register shall include the name, address, Social Security
24 number, employer, and dates of employment of the apprentice.
- 25 (d) The apprentice shall notify the department in writing of any change in address
26 or employer.
- 27 (e) Apprentices and pre-apprentices shall not be required to pay a fee to obtain a

1 certificate of registration or to renew a registration.

2 (5) The satisfactory completion of one (1) academic year of a department-approved
3 curriculum or one (1) year of professional training in heating, ventilation, and air
4 conditioning work may be considered as equivalent to one (1) year of employment
5 toward the licensure requirements for a journeyman heating, ventilation, and air
6 conditioning mechanic, not to exceed one (1) year.

7 (6) The satisfactory completion of one (1) academic year of teaching experience in a
8 department-approved or state-approved technical education program in heating,
9 ventilation, and air conditioning shall be considered as equivalent to one (1) year of
10 employment, as required by subsection (1)(c) or (2)(c) of this section. No more than
11 one (1) year of approved teaching experience may be used in meeting the
12 requirements of subsection (1)(c) or (2)(c) of this section.

13 ➔Section 3. KRS 198B.678 is amended to read as follows:

14 (1) No firm, company, or corporation may engage in the practice of heating, ventilation,
15 and air conditioning contracting in any county of the Commonwealth, unless the
16 person in responsible charge of the heating, ventilation, and air conditioning work is
17 a master heating, ventilation, and air conditioning contractor and is an employee or
18 subcontractor of the firm, company, or corporation.

19 (2) Each master heating, ventilation, and air conditioning contractor who is employed
20 by a firm, company, or corporation engaged in the practice of heating, ventilation,
21 and air conditioning contracting shall notify the department of that employment and
22 upon termination of the employment.

23 (3) No master heating, ventilation, and air conditioning contractor shall represent more
24 than one (1) firm, company, or corporation **unless the contractor is domiciled in**
25 **the Commonwealth and has a minimum of twenty-five percent (25%) ownership**
26 **in each firm, company, or corporation the contractor represents.**

27 ➔SECTION 4. A NEW SECTION OF KRS 198B.650 to 198B.689 IS

1 CREATED TO READ AS FOLLOWS:

2 **(1) The department shall grant an interim period of up to one hundred eighty (180)**
3 **continuous calendar days to allow a company to utilize the master heating,**
4 **ventilation, and air conditioning contractor's license of a recently deceased owner**
5 **or deceased employee who procured heating, ventilation, and air conditioning**
6 **permits for that company, provided that the company:**

7 **(a) Effectuates and documents all necessary bonding and insurance policies**
8 **required in this chapter; and**

9 **(b) Ensures that the bonding and insurance policies remain in effect for the**
10 **entirety of the interim time period extended by the department.**

11 **(2) The license of a deceased master heating, ventilation, and air conditioning**
12 **contractor shall be terminated by the department at the end of the interim period.**

13 **(3) Upon termination of the deceased master heating, ventilation, and air**
14 **conditioning contractor's license, a company shall have an employee with a**
15 **current and valid Kentucky master heating, ventilation, and air conditioning**
16 **contractor's license in order to procure permits and perform heating, ventilation,**
17 **and air conditioning work governed by KRS 198B.650 to 198B.689.**

18 ➔Section 5. KRS 318.054 is amended to read as follows:

19 (1) The initial license for a master or journeyman plumber shall expire on the last day
20 of the licensee's birth month in the following year. The department may reduce the
21 license fee on a pro rata basis for initial licenses issued for less than twelve (12)
22 months. Renewed licenses shall expire on the last day of the licensee's birth month
23 of each year after the date of issuance of the renewed license.

24 (2) The department shall require an applicant for renewal of a license to show evidence
25 of completing the continuing education requirements established by the department
26 in administrative regulations promulgated under KRS 318.130.

27 (3) The department shall send each licensed master and journeyman plumber a notice

1 advising them that the annual license renewal fee is due. The notice shall be sent to
2 the licensee's last known address no later than thirty (30) days prior to the expiration
3 of the license. The annual license renewal fee shall be a reasonable fee set by
4 regulation of the department. The fee for the renewal of a master plumber's license
5 shall exceed the fee charged for a journeyman plumber's license.

6 (4) A master or journeyman plumber who fails to renew a license prior to expiration
7 may have the license renewed upon payment of the required renewal fee, a revival
8 fee, and upon showing the completion of continuing education requirements. The
9 revival fee for a master plumber shall be five dollars (\$5) and for a journeyman
10 plumber three dollars (\$3). If the renewal and revival fees are not paid within one
11 hundred eighty (180) days after the license expires, the license shall be
12 automatically canceled by operation of law for nonpayment. A license may be
13 reinstated upon payment of all delinquent renewal fees plus a revival fee of ten
14 dollars (\$10) for a master plumber and six dollars (\$6) for a journeyman plumber.
15 Upon presentation of proper evidence, the department may waive payment of any
16 renewal or revival fee for a person serving on active duty in the Armed Forces of
17 the United States.

18 (5) (a) The department shall grant an interim period of up to one hundred eighty
19 (180) continuous calendar days to allow a company to utilize the master
20 plumber's license of a recently deceased owner or deceased employee who
21 procured plumbing permits for that company, provided that the company:

22 1. Effectuates and documents all necessary bonding and insurance
23 policies required in this chapter; and

24 2. Ensures that the bonding and insurance policies remain in effect for
25 the entirety of the interim time period extended by the department.

26 (b) The license of a deceased master plumber shall be terminated by the
27 department at the end of the interim period.

1 (c) Upon termination of the deceased master plumber's license, a company
 2 shall have an employee with a current and valid Kentucky master plumber's
 3 license in order to procure permits and perform plumbing work governed by
 4 this chapter.

5 ➔Section 6. KRS 227.480 is amended to read as follows:

6 (1) (a) A city, county, urban-county government, charter county, or consolidated
 7 local government or the state shall, according to the Uniform State Building
 8 Code as it pertains to the plan review and inspection responsibilities of local
 9 governments or the state, require any person to obtain a permit before
 10 commencing construction, alteration, or repairs of any electrical system.

11 (b) The city, county, urban-county government, charter county, or consolidated
 12 local government or the state shall require all inspections that are deemed
 13 necessary by the department for the safety of life and property. The
 14 department shall promulgate administrative regulations to describe the
 15 circumstances where inspections are required.

16 (2) A city, county, urban-county government, charter county, or consolidated local
 17 government or the state shall not issue a permit unless the applicant submits proof
 18 of being licensed as an electrical contractor under KRS Chapter 227A or of acting
 19 on behalf of a licensed electrical contractor. However, the provisions of this
 20 subsection shall not apply to:

21 (a) A homeowner or farmer who does construction, alteration, or repairs of any
 22 electrical system on his or her own premises or any other person exempt from
 23 licensing under KRS 227A.030 or 227A.150; ~~[- This subsection shall not apply~~
 24 ~~to]~~

25 (b) Electrical work performed by the Commonwealth of Kentucky, a city, county,
 26 urban-county government, charter county, or consolidated local government,
 27 or any subdivision thereof; or

- 1 (c) A company with a recently deceased licensed electrical contractor, which
 2 shall be granted an interim period of up to one hundred eighty (180)
 3 continuous calendar days by the city, county, urban-county government,
 4 charter county, consolidated local government, or state to allow the
 5 company to utilize the license of the deceased electrical contractor if:
 6 1. The company effectuates and documents all necessary bonding and
 7 insurance policies required by KRS Chapter 227A; and
 8 2. Ensures that the bonding and insurance policies remain in effect for
 9 the entirety of the interim period of time extended.

10 (3) A city, county, urban-county government, charter county, or consolidated local
 11 government shall appoint and may fix the compensation of city, county, urban-
 12 county government, charter county, or consolidated local government electrical
 13 inspectors, and may by ordinance fix reasonable fees and establish other
 14 requirements for the conduct of electrical inspections within its boundaries. All
 15 electrical inspectors shall be certified under KRS 227.489.

16 (4) Reasonable standards for the construction, alteration, and repair of any electrical
 17 system shall be those adopted in the Uniform State Building Code, as promulgated
 18 by the department, and shall have as a minimum standard the requirements of the
 19 National Electrical Code, which may include Kentucky amendments. These
 20 standards shall be used by the electrical inspector in making his inspections.

21 ➔Section 7. KRS 227A.140 is amended to read as follows:

22 (1) A master electrician who ceases to be associated with the electrical contractor and is
 23 the representative by which the licensed electrical contractor qualifies shall
 24 immediately report his or her disassociation to the department or the authorized
 25 local licensing program. The master electrician shall be responsible for all work
 26 done under his or her license until the department or the authorized local licensing
 27 program is notified by the master electrician that he or she is no longer associated

1 with the electrical contractor.

2 (2) If the holder of any electrical license ceases to be a part of the business relying upon
3 the holder's license for its right to remain in business, the business shall employ a
4 licensed person prior to the continuance of any business activity or within thirty
5 (30) days, whichever comes first.

6 (3) (a) Notwithstanding subsection (2) of this section, if a master electrician dies
7 while a business was relying on his or her license for its right to remain in
8 business, the department shall grant an interim time period of up to one
9 hundred eighty (180) continuous calendar days to allow the business for
10 which the master electrician worked to utilize the master electrician's
11 license to procure electrical permits for that business, provided that the
12 business:

13 1. Effectuates and documents all necessary bonding and insurance
14 policies required by this chapter; and
15 2. Ensures all bonding and insurance policies remain effective for the
16 entirety of the interim time period.

17 (b) A deceased master electrician's license shall be terminated by the
18 department at the end of the interim period.

19 (c) Upon termination of the deceased master electrician's license, an electrical
20 contractor shall have an employee with a current and valid Kentucky
21 master electrician's license in order to procure permits and perform
22 electrical work under this chapter.